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Please reply to New Jersey

July 17, 2018

VIA ECOURTS FILING

Honorable Michael Hammer, U.S.M.J.
United States District Court - Newark
Martin Luther King Jr. Federal Building & U.S. Courthouse
50 Walnut Street, Courtroom MLK 4C
Newark, NJ 07101

RE: **CIOFFI, MICHAEL VS. BOROUGH OF ENGLEWOOD CLIFFS, ET AL.**

Our File No. : 85341 ELH
Docket No. : 2:16-CV-04536-ES-MAH

Dear Judge Hammer:

I write on behalf of defendant Carrol McMorrow in response to Mr. Seaman's electronically filed letter and attachments of yesterday (document number 86).

While the terms of the Discovery Confidentiality Order currently in place prohibit me from recounting in this letter the details of any of the surreptitious recordings made by the plaintiff, suffice to say that defense counsel, having listened to the many hours of these recordings, find them alarming and in several instances indicative of potentially illegal conduct by the plaintiff.

Mr. Cioffi remains the Chief of Police of the Borough of Englewood Cliffs. To the extent the defendants have formed a reasonable belief that he may have violated the law (including, in Ms. McMorrow's case, a threat to her physical wellbeing), they should not be precluded by the terms of the Discovery Confidentiality Order from taking steps necessary to protect themselves and the citizens of Englewood Cliffs from wrongdoing by its Chief of Police. These surreptitious recordings - some of which capture conversations between others who do not appear to have been made aware that they were being recorded - were made by the plaintiff while employed by the Borough.

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We are fully cognizant of the fact that any repercussions to the Chief on account of these unauthorized recordings will be characterized by him and his attorney as retaliation for the exercise of some protected right. We are equally confident that any action that might be taken in response to the recordings would be taken for a legitimate, non-retaliatory reason.

We would welcome an opportunity for a call or, better yet, an in person conference to address these concerns.

Respectfully submitted,

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